

REMARKS

Claims 1-5 have been examined. We are pleased to report that the Examiner has allowed claims 1 and 2. However, claims 3-5 remain rejected under 35 U.S.C. § 103(a) in view of Nakamura (JP 03-037989) and Sato (JP 360056417).

I. Rejections under 37 C.F.R. § 103(a) in view of JP 03-37989 to Nakamura (“Nakamura”)

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakamura.

As discussed on pages 4 and 5 of the Office Action, the Examiner has allowed the method of heat treating the wire (i.e., claim 1) and the wire itself (i.e., claim 2). However, the Examiner continues to reject claim 3 which is directed to the “apparatus” that heat treats the wire. Accordingly, Applicant has amended claim 3 to more positively recite the cooperation of the apparatus and the wire by reciting the apparatus “in combination with” the wire. Applicant submits that the claimed wire is now positively recited in the claim, and therefore claim 3 is allowable for at least analogous reasons as claim 2.

II. Rejections under 35 U.S.C. § 103(a) in view of Nakamura and JP 360056417 to Sato (“Sato”)

The Examiner has rejected claims 4 and 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakamura in view of Sato.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/070,534

As an initial matter, the Examiner has cited to “3-379879.” However, since the Examiner refers to the rejection applied to claim 3, Applicant assumes that the discrepancy is merely a typographical error.

Turning to the rejections, Applicant submits that claims 4 and 5 are patentable at least by virtue of their dependency.

III. Rejections under 35 U.S.C. § 103(a) in view of Sato

The Examiner has rejected claims 3-5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sato.

As set forth above, Applicant submits that claim 3 is patentable for at least analogous reasons as claim 2. Accordingly, the rejection of claim 3 in view of Sato is now moot.

In regard to claims 4 and 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Allowable Subject Matter

As stated above, the Examiner has indicated that claims 1 and 2 are allowed.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/070,534

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Allison M. Tulino

Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 12, 2005